14.10.2026
Sl. No.13
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25714 of 2025

Wasim Rahaman
Versus
The State of West Bengal & Ors.

Mr. Arindam Sen
Mr. Saikat Chatterjee
Mr. Saurav Basu
Mr. Rajdeep Pramanik
Mr. Samik Biswas
Ms. Payel Maji
...for the Petitioner.

Ms. Jayita Dhar Chakraborty
Mr. Joy Ranjan Dhar
...for the State.

Mr. Lokenath Chatterjee
Ms. Sneha Chatterjee
... for the DPSC, Hooghly

1. By the present writ petition the petitioner seeks for cancellation and/or withdrawal of the order of suspension issued by the Chairperson, Hooghly District Primary School Council, vide memo No.1662/1(6)/DPSC, Hooghly dated 10th September, 2025.

2. The petitioner contends that he joined as an Assistant Teacher in Kantapukur Chakdhedua Primary/Jr. Basic School on 25th January, 2014. Subsequent thereto, the petitioner was transferred to Kanthalgoria Jr. Basic School under Hooghly District Primary School Council. While in service the petitioner was implicated in a criminal case being Gurap Police Station Case No. 212 of 2025 dated 2nd September, 2025 under Section 85/316(2)/108/3(5) of the Bharatiya Nyaya Sanhita (*in short, 'BNS')* read with Section 4 of the Dowry

Prohibition Act (corresponding to GR Case No.2831 of 2025). In connection with the aforesaid criminal proceeding the petitioner was arrested on 3rd September, 2025 and was enlarged on bail on 29th October, 2025. Since the petitioner was detained in custody for more than 48 hours, he was suspended *vide* office order dated 10th September, 2025 with effect from 4th September, 2025, which is under challenge. Being aggrieved by the action of the respondent authorities, the petitioner has preferred the present writ petition.

3. Mr. Saikat Chatterjee, learned Advocate appearing on behalf of the petitioner, through virtual mode, submits that the petitioner cannot be put under suspension for an indefinite period. More than one year has elapsed after the order of suspension was issued. Since the petitioner has already enlarged on bail he seeks liberty to file a comprehensive representation before the authority concerned for withdrawal of the suspension order. Reliance is placed on the decision of this Bench in *Chandra Sekhar Dutta -versus- State of West Bengal & ors. (In re: WPA 7736 of 2026).*

4. Mr. Lokenath Chatterjee, learned Advocate representing the Hooghly District Primary School Council opposes such prayer on the ground that the criminal proceeding is still pending. He also seeks that such suspension order has been passed in terms of Rule 7 of West Bengal Primary Education (Conduct of Service of Teachers of Primary Schools) Rules, 2001

(hereinafter referred to as *'the Rules of 2001)* which provides for suspension until further order. Therefore, the suspension order passed against the petitioner cannot be called in question. However, in the event any representation is made by the petitioner that shall be considered by the concerned District Primary School Council, in accordance with law.

5. In view of the submissions advanced on behalf of the respective parties, liberty is granted to the petitioner to submit a comprehensive representation before the authority concerned for redressal of his grievance, within a period of four weeks from date. In the event, such representation is made within the stipulated period, the authority concerned shall consider and dispose of the same, in accordance with law, upon notice to the petitioner, within a period of six weeks from the date of submission of such representation by passing a reasoned order.
6. Reasoned order shall be communicated to the petitioner within a period of one week from the date of passing of such reasoned order.
7. With the above direction, the writ petition being **WPA 25714 of 2025** stands disposed of.
8. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.

12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

13. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)